

their submission, which shall be served on all persons who have filed pleadings and shall also contain a detailed full showing, supported by affidavit, of any additional facts or considerations relied on. For good cause shown, the Commission may specify a shorter time for the filing of reply comments.

(f) The Commission, after consideration of a petition for special relief and the responsive pleadings, may determine whether the public interest would be served by the grant, in whole or in part, or denial of the request, or may issue a ruling on the complaint or dispute. The Commission will resolve must-carry complaints pursuant to paragraphs (a)(4) and (b)(2) of § 76.61. The Commission may specify other procedures, such as oral argument, evidentiary hearing, or further written submissions directed to particular aspects, as it deems appropriate. In the event that an evidentiary hearing is required, the Commission will determine, on the basis of the pleadings and such other procedures as it may specify, whether temporary relief should be afforded any party pending the hearing and the nature of any such temporary relief.

(g) On a finding that the public interest so requires, the Commission may determine that a system community unit operating or proposing to operate in a community located outside of the 48 contiguous states shall comply with provisions of subparts D, F, and G of this part in addition to the provisions thereof otherwise applicable.

NOTE: Each party filing a petition, comments, opposition or other pleading pursuant to § 76.7 is responsible for the continuing accuracy and completeness of all information in such document. The provisions of § 1.65 of this chapter are wholly applicable to pleadings involving § 76.7, except that where specific provisions of the latter conflict with the former, the specific provisions of § 76.7 are controlling, e.g., where requirements for service on specified parties of certain information may vary.

[58 FR 17358, Apr. 2, 1993, as amended at 59 FR 62344, Dec. 5, 1994]

#### **§ 76.8 Dismissal of special relief petitions.**

(a) A petition for special relief may, upon request of the petitioner, be dismissed without prejudice as a matter

of right prior to the adoption date of any final action taken by the Commission with respect to the petition. A petitioner's request for the return of a petition will be regarded as a request for dismissal.

(b) Failure to prosecute a petition, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice if it occurs prior to the adoption date of any final action taken by the Commission with respect to the petition.

[40 FR 12797, Mar. 21, 1975]

#### **§ 76.9 Order to show cause; forfeiture proceeding.**

(a) Upon petition by any interested person, the Commission may:

(1) Issue an order requiring a cable television operator to show cause why it should not be directed to cease and desist from violating the Commission's rules;

(2) Initiate a forfeiture proceeding against a cable television operator for violation of the Commission's Rules.

(b) The petition may be submitted informally, by letter, but shall be accompanied by a certificate of service on any interested person who may be directly affected if an order to show cause is issued or a forfeiture proceeding initiated. An original and two copies of the petition and all subsequent pleadings should be filed.

(c) The petition shall state fully and precisely all pertinent facts and considerations relied on to support a determination that issuance of an order to show cause or initiation of a forfeiture proceeding would be in the public interest. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

(d) Interested persons may submit comments or oppositions to the petition within thirty (30) days after it has been filed. For good cause shown in the petition, the Commission may, by letter or telegram to known interested persons, specify a shorter time for such submissions. Comments or oppositions shall be served on petitioner and on all

persons listed in petitioner's certificate of service, and shall contain a detailed full showing supported by affidavit, of any facts or circumstances relied on.

(e) The petitioner may file a reply to the comments or oppositions within twenty (20) days after the time for filing such comments or oppositions has ended. A reply shall be served on all persons who have filed pleadings and shall also contain a detailed full showing, supported by affidavit, of any additional facts or considerations relied on. For good cause shown, the Commission may specify a shorter time for the filing of reply comments.

(f) The Commission, after consideration of the pleadings, shall determine whether the public interest requires the issuance of an order to show cause or the initiation of a forfeiture proceeding.

NOTE 1: After issuance of an order to show cause, the rules of procedure in title 47, part 1, subpart A, §§1.91–1.95 shall apply.

NOTE 2: Nothing in this section is intended to prevent the Commission from initiating show cause or forfeiture proceedings on its own motion; *Provided, however*, That show cause proceedings and forfeiture proceedings pursuant to §1.80(g) of the rules will not be initiated by such motion until the affected parties are given an opportunity to respond to the Commission's charges.

NOTE 3: Forfeiture proceedings are generally nonhearing matters conducted pursuant to the provisions of §1.80(f) of the rules (Notice of Apparent Liability). Petitioners who contend that the alternative hearing procedures of §1.80(g) of the rules should be followed in a particular case must support this contention with a specific showing of the facts and considerations relied on.

[42 FR 56507, Oct. 26, 1977, as amended at 44 FR 55575, Sept. 27, 1979]

#### § 76.11 Lockbox enforcement.

Any party aggrieved by the failure or refusal of a cable operator to provide a lockbox as provided for in Title VI of the Communications Act may petition the Commission for relief in accordance with the provisions and procedures set forth in § 76.7 for petitions for special relief.

[50 FR 18661, May 2, 1985]

### Subpart B—Registration Statements

#### § 76.12 Registration statement required.

A system community unit shall be authorized to commence operation only after filing with the Commission the following information:

(a) The legal name of the operator, entity identification or social security number, and whether the operator is an individual, private association, partnership, or corporation. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

(b) The assumed name (if any) used for doing business in the community;

(c) The mail address, including ZIP code, and the telephone number to which all communications are to be directed;

(d) The date the system provided service to 50 subscribers;

(e) The name of the community or area served and the county in which it is located;

(f) The television broadcast signals to be carried which previously have not been certified or registered.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat. 1064–1066, 1068, 1081–1085, 1088, 1089, as amended; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[37 FR 3278, Feb. 12, 1972, as amended at 45 FR 52154, Aug. 6, 1980; 49 FR 27154, July 2, 1984; 50 FR 40855, Oct. 7, 1985]

#### § 76.14 Who may sign registration statements.

(a) Registration statements shall be personally signed by the operator; by one of the partners, if the operator is a partnership; by an officer, if the operator is a corporation; by a member who is an officer, if the operator is an unincorporated association; or by any duly authorized employee of the operator.

(b) Registration statements may be signed by the operator's attorney in case of the operator's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the registration statement was not signed by the operator. In addition, if any matter is stated on the basis of